

By: Geren

H.B. No. 504

Substitute the following for H.B. No. 504:

By: Davis of Harris

C.S.H.B. No. 504

A BILL TO BE ENTITLED

AN ACT

relating to the use of nonpublic information by former members of the legislature; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.06, Penal Code, is amended to read as follows:

Sec. 39.06. MISUSE OF OFFICIAL INFORMATION. (a) A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office or employment and that has not been made public, the person:

(1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

(2) speculates or aids another to speculate on the basis of the information; or

(3) as a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

(b) A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, the public servant ~~[he]~~ discloses or uses information for a nongovernmental purpose that:

(1) the public servant ~~[he]~~ has access to by means of the public servant's ~~[his]~~ office or employment; and

(2) has not been made public.

(c) A person commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, the public servant ~~[he]~~ solicits or receives from a public servant information that:

(1) the public servant has access to by means of the public servant's ~~[his]~~ office or employment; and

(2) has not been made public.

(c-1) This section applies to a former member of the legislature for:

(1) the period concluding with the end of the legislative cycle following the legislative cycle in which the former member last served as a member of the legislature;

(2) information that has not been made public to which the former member had access to during the former member's service in the legislature; and

(3) any use in connection with activities that require registration under Chapter 305, Government Code.

(d) In this section:

(1) [7]"information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code; and

(2) "Legislative cycle" means the two-year period beginning on the first day of a regular legislative session and ending on the day before the first day of the succeeding regular legislative session.

1 (e) Except as provided by Subsection (f), an offense under
2 this section is a felony of the third degree.

3 (f) An offense:

4 (1) under Subsection (a)(3) is a Class C misdemeanor;
5 and

6 (2) by a public servant who is a former member of the
7 legislature is a Class A misdemeanor.

8 SECTION 2. This Act takes effect January 8, 2019.